IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CASE NO. 3:21-CV-037-FDW-DCK

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)) <u>ORDER</u>
TICO JERMAINE BYNUM, MALCOM BYNUM, and DONALD BYNUM,)))
Defendants.)
	_)

THIS MATTER IS BEFORE THE COURT on "Defendants Tico Bynum, Defendant Malcolm Bynum, And Defendant Donald Bynum's Reply To Plaintiff's Memorandum In Opposition To Defendants' Motion For Summary Judgment" (Document No. 35) filed December 7, 2021, and Plaintiff's "Unopposed Motion For Leave To File Response Brief" (Document No. 33) filed December 3, 2021. These motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motions and the record, and in consultation with Judge Whitney's chambers, the undersigned will grant the motions.

The Court construes Document No. 35 as a Motion to accept the "Memorandum In Support Of Defendants' Motion For Summary Judgment Fed. R. Civ. P. 56" (Document No. 32) as the correct Memorandum in Support of Defendants' Motion For Summary Judgment (Document No. 26).

IT IS, THEREFORE, ORDERED that "Defendants Tico Bynum, Defendant Malcolm Bynum, And Defendant Donald Bynum's Reply To Plaintiff's Memorandum In Opposition To Defendants' Motion For Summary Judgment" (Document No. 35) is **GRANTED**. The Court

accepts Defendants' "Memorandum In Support Of Defendants' Motion For Summary Judgment"

(Document No. 32) as its supporting memorandum to Defendants' Motion For Summary Judgment

(Document No. 26).

IT IS FURTHER ORDERED that the Clerk's Office STRIKE "Defendant Malcolm

Bynum And Defendant Donald Bynum's Memorandum In Support Of Their Motion To Dismiss"

(Document No. 26-1).

IT IS FURTHER ORDERED that Plaintiff's "Unopposed Motion For Leave To File

Response Brief' (Document No. 33) is **GRANTED**. Plaintiff shall file a response to Defendants'

Motion For Summary Judgment (Document No. 26) and supporting memorandum (Document No.

32) on or before **December 22, 2021**.

IT IS FURTHER ORDERED that Defendants shall file a reply in support of their Motion

for Summary Judgment (Document No. 26) (or a notice of intent not to reply) on or before

January 5, 2022.

SO ORDERED.

Signed: December 8, 2021

David C. Keesler

United States Magistrate Judge